REMARKS

Applicants have amended the title to reflect the invention to which the present claim is directed. In view of the new title, Applicants have satisfied the requirement for a new title set forth in the third paragraph on page 2 of the Office Action mailed July 15, 2005.

The objection to the Abstract "because it is not drawn to the presently claimed subject matter", set forth in the fourth full paragraph on page 2 of the Office Action mailed July 15, 2005, is noted. Applicants have deleted the original Abstract, and have substituted therefor the enclosed Substitute Abstract, describing the presently claimed subject matter. In view of this Substitute Abstract, it is respectfully submitted that the required correction of the Abstract has been made.

Applicants respectfully traverse the rejection of the sole claim in the application, claim 19, under the first paragraph of 35 USC 112. Contrary to the conclusion by the Examiner, it is respectfully submitted that the presently claimed subject matter is supported by an enabling disclosure in the specification, as required under the first paragraph of 35 USC 112; and, particularly in view of the following remarks and enclosed (unsigned) Declaration, Applicants clearly have established that the disclosure is enabling for the presently claimed subject matter. It is noted that enclosed with this Amendment is an unsigned Declaration; a signed Declaration will be submitted when received in the offices of the undersigned.

Thus, the Examiner contends that the claim (which is claim 19) is not supported by an enabling disclosure, in that the claim is directed to treatment of brain ischemia and the specification provides support for an inhibiting action on degeneration of dopaminergic neurons.

However, attention is respectfully directed to the paragraph bridging pages 12 and 13 of Applicants' specification, setting forth that the compound recited in the present claims (Compound (I)) or pharmaceutically acceptable salts thereof have inhibitory action on neurodegeneration and are useful as a therapeutic agent for, inter alia, brain ischemia. The Examiner has provided no evidence of reasoning showing that this disclosure in the specification is in error. Accordingly, such disclosure in Applicants' original specification must be accepted. See In re Bowen, 181 USPQ 48 (CCPA 1974); In re Dinh-Nguyen, 181 USPQ 46 (CCPA 1974).

Moreover, as indicated by the Examiner on page 3 of the Office Action mailed July 15, 2005, the breadth of claim 19 is a method of treatment administering a single compound; and the level of ordinary skill in the art is high. It is respectfully submitted that one of ordinary skill in the art could practice the present invention without undue experimentation, even where there are no examples of treatment of brain ischemia in Applicants' disclosure.

In this regard, attention is respectfully directed to the enclosed Declaration (unsigned) of S. Ichikawa. As can be seen in the experimentation in this Declaration, and as concluded on the last page thereof, the compound according to the present invention has activity against cerebral ischemia.

From the evidence of record as a whole, it is respectfully submitted that one of ordinary skill in the art could practice the claimed invention, without undue experimentation. In this regard, even were some experimentation to be required, as, for example, practiced in the enclosed Declaration, such experimentation is not undue, and thus does not cause the presently claimed subject matter to violate enablement requirements of the first paragraph of 35 USC 112.

The contention by the Examiner that treating brain ischemia "is a separate pathology from neurodegeneration" is noted. It is respectfully submitted that brain ischemia is a subset of neurodegeneration, and it is respectfully submitted that treatment techniques as in the present disclosure provide guidance to one of ordinary skill in the art with respect to treatment of brain ischemia, as can be seen in the enclosed Declaration.

The contentions by the Examiner that reasonable *a priori* expectations of success using the compound of claim 19 to treat brain ischemia are absent; and that undue experimentation would be required to practice the invention as it is claimed in its current scope, are noted. However, it is to be noted that the proper test whether undue experimentation would be required to practice the invention; the Examiner is respectfully challenged to point out a basis for requiring reasonable *a priori* expectations of success.

Moreover, as seen in the foregoing, and as supported by the enclosed Declaration, it is respectfully submitted that undue experimentation would not be required to practice the invention as it is presently claimed.

In view of all the foregoing comments and amendments, and in view of the enclosed Declaration, reconsideration and allowance of the claim presently in the application is respectfully requested.

Applicants request any shortage in fees due in connection with the filing of this paper be charged to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case 506.38266VC2), and credit any excess payment of fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By _____
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Enclosures: Substitute Abstract (Clean and Marked-up Versions)
Declaration (3 pp., unsigned)

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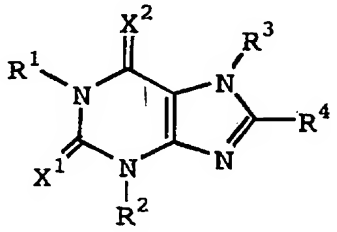
SUBSTITUTE ABSTRACT

The present invention relates to a method of treating brain ischemia~~therapeutic agent for neurodegenerative disorders, comprising~~ in which a xanthine derivative represented by formula (I):



or a pharmaceutically acceptable salt thereof, as an active ingredient, is administered.